

TOWN OF PITTSFORD
ANIMAL ORDINANCE
(Concerning domestic animals, domestic pets, and wolf-hybrid breeds)

§ 1. Authority

Pursuant to 20 V.S.A. Chapters 191 and 193, § 3549 and 24 V.S.A. §§ 2291(10) and 1972(a), the Selectmen of the Town of Pittsford, Vermont, hereby adopt the following ordinance to regulate the keeping of domestic animals, domestic pets, or wolf-hybrids within the Town of Pittsford. This ordinance is designated as a civil ordinance pursuant to 24 V.S.A. §1971(b).

§ 2. Definitions

(a) "Domestic animal" means those animals defined by 6 V.S.A. § 1151 (2), as being all domestic livestock, including, but not limited to, cattle, sheep, goats, equines, fallow deer, American bison, swine, poultry, psittacine birds, ferrets, camelids, reptiles and amphibians. Specific categorical definitions are found in in 6 V.S.A. § 1151.

(b) "Domestic pet" or "pet" means any domestic dogs, domestic/barn/stray cats and domestic ferrets. Wolf hybrids are not considered to be domestic pets but are licensed and regulated as domestic pets.

(c) "Wolf-hybrid" means any animal which is the progeny or descendant of the mating of a domestic dog and a wolf. Wolf-hybrid also means an animal which is advertised, registered, licensed, or otherwise described or represented as a wolf-hybrid by its owner.

(d) "Owner or keeper" means any person who has actual or constructive possession, that is, who owns, keeps, possesses or has custody of a domestic animal, domestic pet, or wolf-hybrid. An owner or keeper includes a person who provides feed or shelter to a domestic animal, pet or wolf-hybrid.

(e) "Animal running at large" means any animal which is not on the property of its owner or keeper and is not under the owner's or keeper's custody by either physical and/or vocal control. The term is used in the sense of livestock or pets strolling without constraint or confinement, as wandering, roving, or rambling at will, unrestrained. A dog or dogs engaged in the act of hunting under the control and direction of an owner or keeper is not considered to be at large.

(f) "Physical or vocal control" means when the animal is not on the owner's or keeper's property that the animal is on a leash or harness, is on or in a vehicle or travel cage, is under the supervised verbal command of the owner or keeper, or is engaged in hunting with owner or keeper.

(g) "Vicious domestic animal, domestic pet, or wolf-hybrid" means an animal which causes reasonable fear of bodily injury by attacking or threatening to attack any person or domestic animal, except a person or animal in the act of trespassing upon the private property of the owner or keeper of the subject animal.

(h) "Pound" or "pound keeper" means the place designated and person authorized by the Selectmen of the Town of Pittsford to keep domestic animals found by an enforcement officer or citizen to be in violation of any provision of this or referenced state ordinances/statutes.

(i) "Vaccination against rabies" means a vaccine approved by the Vermont Commissioner of the Department of Agriculture, Food and Markets and administered by a licensed veterinarian. Until the commissioner approves a rabies vaccine for use on wolf-hybrids, these animals shall be vaccinated with a vaccine approved by the commissioner for domestic dogs.

§ 3. Investigation of vicious domestic pets or wolf-hybrids; order

(a) Anyone who has personal first hand knowledge that a domestic animal, domestic pet or wolf-hybrid is a menace to travel, is vicious, or has bitten someone while off the premises of its owner or keeper, may file a complaint with the selectmen or agent of the town within 48 hours of their observation.

(b) A person who suffers loss by the worrying, maiming or killing of his sheep, lambs, fowls or other domestic animals, by dogs, within twenty-four hours after he learns of such damage, shall give notice to one of the selectmen of the town.

(c) Within three days of receipt of the complaint, an investigation shall be conducted by the animal warden or an agent of the town.

(1) A separate written complaint form shall be completed by the investigating warden or agent and by the complainant. The form will contain at a minimum the time, date and place where the attack or incident occurred, the name and address of the victim or victims, the name and address of the complainant, description of the animal involved, name and address of the owner if known, and any other facts that may assist the selectmen in conducting an investigation.

(d) Within seven days from receipt of the complaint, the selectmen shall hold a hearing on the matter. If the owner of the domestic animal, domestic pet, or wolf-hybrid which is the subject of the complaint can be ascertained, the town shall provide the owner with written notice by certified mail of the time, date and place of hearing and the facts of the complaint. If the owner or keeper of the animal is not known, the town may serve notice of the complaint by posting the same at the town's official posting locations and for three consecutive days in the *Rutland Herald* newspaper.

(e) Licensed Animal. If the domestic animal/pet or wolf-hybrid is licensed with a current rabies certificate and is found to have bitten the victim without provocation, after notice and hearing the selectmen shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the animal is disposed of in a humane way, muzzled, chained, or confined. A person who, after receiving notice, fails to comply with the terms of the order of the selectmen shall be subject to the penalties provided in § 16 of this ordinance. A hearing before the selectmen to answer the complaint does not estop the town from issuing a municipal complaint and pursuing action in the municipal court.

(f) Unlicensed animal. If a selectman or authorized agent of the town believes that the animal is unlicensed or is a rabies suspect, or is known to have been attacked by an animal that is rabid, or has been attacked by a wild animal, or has been running at large in violation of the provisions of this ordinance, or has an unknown rabies vaccination history, the animal subject to the complaint shall be impounded with all fees paid by the owner per § 13.

(1) In cases where the animal is to be impounded for evaluation of rabies, the owner shall immediately surrender the animal to an agent of the town. If the animal is otherwise impounded, the owner, if known, shall be notified within 24 hours. Notification may be accomplished by in-person communication, by telephone call, or by written statement sent to the last known address of the owner. The animal will be confined at an authorized pound, certified for rabies observation programs, and managed in accordance with the rules of the Vermont Department of Health under 20 V.S.A. § 4004.

(2) After examination for rabies, the same remedies specified in § 3(e) are available to the selectmen for control or disposition of the subject animal.

(h) An agent of the town who has attempted to seize a domestic pet or wolf hybrid under the provisions of this ordinance or applicable state statutes and has not been permitted to search for or take the animal, may apply to a judicial officer authorized to issue search warrants for a warrant to search the properties of the owner of the animal or any other property if the officer has reasonable cause to believe that the animal may be on said property and then to seize the animal if found.

§ 4. Right to kill domestic pets or wolf-hybrids

(a) A person may kill a domestic pet or wolf-hybrid that suddenly assaults him or her or when necessary to discontinue an attack upon the person or another person provided that the attack or assault does not occur while the animal is restrained, within an enclosure containing the domestic pet or wolf-hybrid, or on the premises of the owner.

(b) A domestic pet or wolf-hybrid found wounding, killing or worrying another domestic pet or wolf-hybrid, domestic animal or fowl may be killed when the attendant circumstances are such that the killing is reasonably necessary to prevent injury to the animal or fowl which is the subject of the attack.

§ 5. Investigation of nuisance animals; running at large, barking

(a) A person shall not permit a domestic animal, domestic pet or wolf-hybrid to run at large off the premises of the owner or keeper, except as specified in § 1(e).

(b) No person owning or keeping in their care any domestic animal shall knowingly permit such animal, by barking or other animal noise, to disturb a neighbor's peace and quiet. This section shall not be construed to prohibit keeping any watchdog, provided the keeper takes immediate steps to quiet such dog unattended on the owner's premises.

(c) Neither shall an owner or keeper allow any domestic animal, domestic pet, or wolf-hybrid to cause damage to property, scatter refuse, harass cyclists or pedestrians and other passersby, obstruct vehicular traffic, or create a public nuisance.

(d) A person may file a complaint against an owner or keeper for violation of this section using the same procedures specified in § 3.

(e) An authorized agent of the town may impound any animal running at large. The selectmen after hearing a complaint as defined in § 3(c) may also issue a warrant to impound an domestic animal, domestic pet, or wolf-hybrid which is in violation of this section. An impounded animal will be released only as specified in § 13.

§ 6. Shelter of dogs and wolf-hybrids as well as other animals

(a) Every female dog/wolf-hybrid in heat shall be confined in a secure enclosure.

(b) Dogs. A dog maintained out-of-doors must be provided with suitable housing that assures that the dog is protected from wind and draft, and from excessive sun, rain and other environmental hazards throughout the year. A dog chained to a shelter must be on a tether chain at least twice the length of the dog. As specified in 13 V.S.A. § 365, a dog, whether chained or penned, shall be provided living space no less than three feet by four feet (3' x 4') for 25 pound dogs, four feet by four feet (4' x 4') for 35 pound dogs, and four feet by five feet (4' x 5') for 50 pound and larger dogs.

(c) Wolf-hybrids. A proper enclosure for wolf-hybrids shall consist of an eight foot high chain link fence of at least nine gauge wire anchored in a concrete footing along the entire perimeter so that no wolf-hybrid can escape by digging under the fence. The kennel area must be at least 100 square feet per animal. Additionally, the entire kennel area shall be completely covered by nine gauge steel mesh or roofing secured to all sides and to the corners sufficient to prevent a wolf-hybrid from climbing or jumping over the top. All gates shall be padlocked to prevent unauthorized entry into the kennel area.

(d) Shelters for any animal are subject to inspection by animal wardens and must meet standards specified in 13 V.S.A. Ch 8 & 9 discussing cruelty to animals.

§ 7. Domestic pets and wolf-hybrids kept for breeding

(a) The owner or keeper of domestic pets and wolf-hybrids kept for breeding purposes may take out annually, in accordance with the fee structure outlined in § 10 of this ordinance, a special license for these animals, provided the following:

(1) Dogs. The owner or keeper (breeder) keeps the dogs within a proper enclosure when not under the owner's control. A proper enclosure for dogs is a locked fence or structure of sufficient height and depth into the ground to prevent the entry of children and to prevent the animal from escaping. A proper enclosure provides humane shelter as defined in § 6(b), and must be inspected by the animal warden.

§ 9. List of dogs and wolf-hybrids not licensed

(a) In April of each year, the selectmen shall cause to be conducted an annual census of unlicensed, inoculated and licensed dogs and wolf-hybrids which list shall then be submitted to the town clerk.

(b) By May 1, the town clerk shall notify the owners or keepers of all dogs and wolf-hybrids named on the list that have not already been licensed or inoculated that after May 30, the selectmen may issue a warrant for impoundment and/or destruction of such animals.

§ 10. Licensing fees

Attached as enclosure. This section is subject to periodic review and change separate from the remainder of this ordinance.

§ 11. Issuance of warrant to impound or destroy

The selectmen may at any time issue a warrant to an animal warden, constable, police officer, or pound keeper, directing them to destroy in a humane manner dogs or wolf-hybrids not licensed, having rabies, or having presented a threat of injury to livestock or a citizen of the community.

§ 12. Destruction of a domestic pet or wolf-hybrid

(a) When the selectmen or designated town officer reasonably suspects that a domestic pet or wolf-hybrid impounded under § 11 of this ordinance has been exposed to rabies, has been attacked by a rabid animal or has been running at large in violation of any provisions of this ordinance, the animal shall be retained for rabies observation. In the event that a domestic pet is suspected of exposing a human or domestic pet or livestock to rabies, the suspected animal shall be managed in accordance with the rules of the Vermont Department of Health as specified in 20 V.S.A. § 4004, fees paid by the owner.

(b) If the official believes that a domestic pet or wolf-hybrid impounded is not rabid or has not been exposed to rabies, the official may deliver the animal over to the owner. When the owner cannot be ascertained, the official must post notice at the town's official posting places and for three consecutive days in the newspaper. If the owner does not come forward, then at the discretion of the animal shelter and with the concurrence of the animal warden, the animal may be killed.

§ 13. Procedure for release from impoundment of domestic pets and domestic animals (livestock)

(a) The owner of a licensed animal or farm stock shall be notified by the animal warden upon impoundment of the animal. The animal shall be held for five working days unless claimed earlier.

(b) A notice shall be posted at the town's official posting places and for three consecutive days in the newspaper when an unlicensed animal or unknown farm animal is impounded and the owner cannot be identified. The animal shall be held for five working days.

(c) If the animal is not claimed within five working days after notice to the owner or posting the notice in the community and newspapers, the animal shall be given to whomever first pays the poundkeeper's fees and pays the cost of any necessary vaccinations and licensing fees.

(d) If no one claims the animal, the animal may be humanely destroyed.

(e) No animal shall be released from the pound until it has been properly licensed and, if required, the pound and other charges paid, and proof rendered of the administration of rabies vaccination.

§ 14. Vaccination and licensing of cats and ferrets

20 V.S.A. § 3581(a) amended July 11, 1994 mandates rabies vaccination of all cats and ferrets. Veterinarians are required to provide rabies vaccination certificates to all cats and ferrets (as well as dogs and wolf-hybrids) vaccinated since June 15, 1994. The statutes do not require the rabies tag to be worn by cats and ferrets. In the event that state animal control statutes are revised to include licensing for management of cats and ferrets, this ordinance will encompass those animals. As currently written, wherever the word dog is used, also include cat and ferret for purposes of rabies vaccination, licensing and census. At such time as licensing is required for these animals, the provisions of this ordinance will apply.

§ 15. Enforcement

(a) The First Constable of the town shall be the chief enforcement officer of this ordinance. The town manager with advice of the first constable may appoint, with the approval of the selectmen, an animal warden and such assistant animal wardens as deemed necessary to assist in the enforcement of this ordinance. The authorities of the warden(s) derive specifically from state statutes and are the only authority granted to a warden in the performance of his/her duties.

(b) The constable and all other enforcement officers may use any reasonable means necessary to apprehend a domestic animal in violation of this ordinance for impoundment at a municipal pound.

(c) Nothing in this ordinance shall be construed as preventing any person from killing a rabid animal which attacks a person or domestic animal, and a person so killing such rabid or suspected rabid animal shall not be held liable for damages for such killing as specified in 20 V.S.A. § 3809.

§ 16. Penalties

(a) A person found to have violated §§ 5-7 this ordinance in cases which involve licensed animals shall be fined \$20.00 for the first offense, \$100.00 for the second offense, \$200.00 for the third, and \$300.00 for the fourth and any subsequent offenses, in addition to the expenses of impounding, if any, and other lawful charges. Waiver fees shall be one half the specified fine in lieu of court appearance.

(b) A person found to have violated §§ 5-8 of this ordinance in cases involving unlicensed domestic pets shall be fined \$100.00 for the first offense, and \$200.00 for the second offense, in addition to the expenses of impounding, if any, and other lawful charges. Waiver fees shall be one half the specified fine in lieu of court appearance.

(c) A person found to have violated § 3 of this ordinance in cases involving rabies, unlicensed wolf-hybrid (where licensing is required), or a biting animal, shall be fined \$300.00 in addition to the expenses of impounding, if any, and other lawful charges. A waiver fee equal to one half the specified fine shall apply in lieu of court appearance.

(d) Prosecution of any violation of this ordinance shall be undertaken by the issuing municipal official who filed the municipal complaint, with the assistance of the Grand Juror if required.

This ordinance shall become effective the 8th day of January, 1995.

Adopted this 9th day of November, 1994.

Margaret Flory
Margaret Flory

Bart K. Logay
Bart K. Logay

Robert L. Sird
Robert L. Sird

Harry S. McKinlay
Harry S. McKinlay

Lawrence Pomainville, Jr.
Lawrence Pomainville, Jr.